

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KANDEY COMPANY, INC.,

Plaintiff,

v.

**DECISION AND ORDER**

11-CV-478A

11-CV-480A

LEO A. BARBERA,  
BARBERA UTILITY CONTRACTING, INC.  
d/b/a HORIZONTAL HOLES, and  
HORIZONTAL EQUIPMENT AND  
MANUFACTURING, INC.,

Defendants.

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On August 23, 2011, the parties in Case Nos. 11-CV-478 and 11-CV-480 filed a joint stipulation in each respective docket to consolidate the cases under Case No. 11-CV-478 and to amend the caption of that case. On August 29, 2011, Magistrate Judge Hugh B. Scott issued a Report and Recommendation in each case recommending acceptance of the stipulation. No objections were filed in either case.

After reviewing the joint stipulation and pursuant to 28 U.S.C. § 636(b)(1), the Court adopts each Report and Recommendation and approves the joint stipulation. The Clerk of the Court is directed to complete an administrative closing of Case No. 11-CV-480, as that case now has been consolidated with Case No. 11-CV-478. All subsequent filings shall occur in Case No. 11-CV-478

only. The Clerk of the Court shall conform the caption of Case No. 11-CV-478 to the caption listed above.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: September 19, 2011